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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,018	07/31/2003	Kevin McPartlan	NUASI-00106	4722

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EXAMINER
WINDER, PATRICE L

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
12/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/633,018	MCPARTLAN ET AL.
	Examiner	**Art Unit**	
	Patrice Winder	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,5-15,17-27,29-37</u> is/are rejected.

7)☒ Claim(s) <u>4,16 and 28</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-3, 5-15, 17-27, 29-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones et al., USPN 6,763,333 B2 (hereafter referred to as Jones) in

view of Pickering et al., USPN 6,493,695 B1 (hereafter referred to as Pickering).

Regarding claim 1, 13, 25, Jones taught a method of escalating non-real-time

communications in a contact center (abstract), the method comprising:

a.   extracting an aged communication from a plurality of shared file folders, wherein

the plurality of shared file folders are configured in a central processing area of the

contact center (column 6, lines 41-53), and further wherein a communication is

designated as aged based on a set of predetermined escalation criteria (column 11,

lines 42-48);

b.   routing the aged communication with an escalation service to an immediate

workflow such that the aged communication is routed by an immediate workflow for

immediate response to a first designated agent (column 11, lines 39-41);

c.   presenting the aged communication to the first designated agent such that the

communication is displayed on a desktop of the first designated agent (column 12, lines

9-16; column 15, lines 19-22). Jones does not specifically teach the first designated

agent answers the aged communication on the desktop. However, Pickering taught

responding to the aged communication, wherein the first designated agent answers the

aged communication on the desktop, wherein the escalation service escalates an

immediate communication to the immediate workflow for routing to the first designated

agent (column 10, lines 47-53). It would have been obvious to one of ordinary skill in the

art at the time the invention was made that incorporating Pickering's responding to the

escalated aged communication in Jones' system for escalating aged communications

would have improved communication handling. The motivation would have been to

provide a homogeneous manner to handle communications including integrating newly

assigned tasks in the workflow.

3.   Regarding dependent claims 2, 14, 26, Jones taught the desktop includes a

visual indicator, further wherein the visual indicator includes an expiration time for the

aged communication in the plurality of shared file folders (content of X Windows display

includes ticket duration field, column 12, lines 2-6).

4.   Regarding dependent claims 3, 15, 27, Jones taught the communication is

designated as immediate based on the set of predetermined escalation criteria before

the communication becomes aged (column 11, lines 30-31; column 14, lines 7-10).

5.   Regarding dependent claims 5, 17, 29, Jones taught monitoring the aged

communication displayed on the first designated agent's desktop, wherein when the first

designated agent does not answer the aged communication, the immediate workflow

routes the aged communication to a second designated agent (increased to higher level of management, column 11, lines 42-48).

6.   Regarding dependent claims 6, 18, 30, Pickering taught sending an acknowledgement message when the first and second designated agents are unavailable (agent characteristics includes availability, column 8, lines 2-6; column 9, lines 55-60).

7.   Regarding dependent claims 7, 19, 31, Jones taught prompting the first designated agent when the step of responding does not occur within the predetermined timeout period after the step of presenting (timeout period = end, column 9, lines 53-57; column 11, lines 46-48; column 14, lines 8-10).

8.   Regarding dependent claims 8, 20, 32, Jones taught the aged communication is routed to the second designated agent after the prompting step is unanswered by the first designated agent (unanswered = unresolved, column 11, lines 65-67; column 12, lines 1-6).

9.   Regarding dependent claims 9, 21, 33, Jones taught the aged communication is routed to the second designated agent after the first designated agent answers the prompting step by declining to respond to the aged communication (declining to respond = leaving unresolved, column 11, lines 46-48).

10.   Regarding dependent claims 10, 22, 34, Pickering changing predetermined escalation criteria during the responding step (column 9, lines 60-63).

11.   Regarding dependent claims 11, 23, 35, Jones taught the first and second designated agents may select non-real-time communications form the plurality of

shared file folders that are not designated as aged (column 6, lines 46-49), and further

wherein the first and second designated agents respond to those non-real-time

communications not designated as aged (column 6, lines 46-49).

12.   Regarding dependent claims 12, 24, 36, Jones taught an agent is designated

based on a set of predetermined designation criteria (column 11, lines 39-41; column

14, lines 15-17, 29-31).

13.   Regarding claim 37, Jones taught an apparatus for escalating non-real-time

communications in a contact center (alerting system, abstract), comprising:

a.   a storage media for storing a computer application (column 6, lines 7-14);

b.   a processing unit coupled to the storage media (column 6, lines 7-14); and

c.   a user interface coupled to the processing unit such that a plurality of users can

receive an aged communication from an immediate workflow through an escalation

service (column 6, lines 35-53), and further wherein the immediate workflow can receive

an immediate communication from the escalation service for routing to the plurality of

users (column 11, lines 42-48; column 12, lines 19-28; column 14, lines 27-43) . Jones

does not specifically teach the plurality of users can provide an immediate response to

the aged communication (column 10, lines 47-53). For motivation for combination see

claim 1, above.

Allowable Subject Matter

14.   Claims 4, 16, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15.   The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest the escalation service checks a present threshold for a maximum number of immediate workflows and delays escalating the communications designated as immediate until the number of immediate workflows is below the threshold.

Response to Arguments

16.   Applicant's arguments filed September 28, 2007 have been fully considered but they are not persuasive.

17.   Applicant argues – "After transmission of the trouble ticket to the ticket reporting and tracking system, there is no teaching that the trouble ticket is extracted from the tracking system."

  a.   Applicant's representative has not considered the entire citation of the Jones reference. Applicant ignores that a service personnel retrieves an aged, i.e. trouble ticket notification previously reported, from the trouble ticket reporting system (see column 6, lines 46-49).

18.   Applicant argues – "Sending this newly created notification does not teach routing an aged communication."

b.   Applicant's claims to not specifically recite a specific mechanism for

routing the "aged communication". The communication is not routed, per se,

across a network or other transmission lines. Thus, it would be within scope of

Applicant's invention as claimed to route an "aged communication" using a

notification. In actually, Jones later teaches sending the aged communications to

the alerting or paging process (see column 12, lines 24-28).

19.   Applicant argues – "Nowhere, in the cited portion of Pickering does it teach an

aged communication."

c.   Jones teaches the concept of the "aged communication". Likewise,

Pickering teaches the specific aspects of routing all types of communications,

including "aged communications". Thus, in combination Jones-Pickering taught

the routing aged communications.

20.   Applicant argues – "Nowhere in the cited portions of Jones is a teaching that an

aged communication is designated immediate."

d.   The Jones reference my not use the term "immediate" per se. However,

Jones taught the concept by escalating the routing of trouble tickets as quickly as

possible. There is no definition for the term immediate in Applicant's claims or in

Applicant's specification. Therefore, this interpretation would be the "broadest

reasonable" interpretation.

21.   Applicant argues – "There is no teaching in Jones of monitoring an aged

communication displayed on a first designated agent's desktop."

e.   The scope of the limitation in Applicant's claim does not recite quantifying

the monitoring action by calculating a specific time.

22.   Applicant argues – "Examiner, therefore has not shown that the applied art

teaches the limitation 'when the first designated agent does not answer the aged

communication, the immediate workflow routes the aged communication to a second

designated agent."

f.   Applicant admits that Jones' notifications are routed to higher levels of

management. Any of the higher levels of management would be a "second

designated agent".

23.   Applicant argues – "Routing an incoming interaction to an agent of the call

center is different from sending an acknowledgement message."

g.   Applicant ignores that the communication being sent includes an

acknowledgement message. Being that acknowledge messages give status

information. It is highly reasonable to maintain that Pickering's communications

are acknowledgement messages.

24.   Applicant argues – "It is possible to not resolve without declining to respond."

h.   The scope of non-resolution is broader than the scope of declining to

respond. Declining to respond is within the scope of non-resolution. Non-

resolution is not specifically distinguished between those requiring active or

passive service personnel interaction.

25.   Applicant argues – "This citation to Jones does not teach a first and second

designated agent responds to non-real-time communication not designated as aged."

i.   It is clear for Applicant's statements throughout this reply that Applicant

does not make an interpretation of Applicant's claim language or the Jones-

Pickering references.

Conclusion

26.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

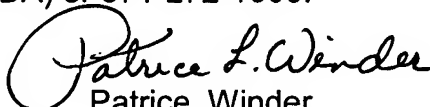policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

27.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Patrice Winder whose telephone number is 571-272-

3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrice L. Winder
Patrice Winder
Primary Examiner
Art Unit 2145

December 10, 2007